

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

PETER KAHN and BIGG LUGG, INC.

Plaintiffs

-against-

WAGIC INC., and  
EVERIK INTERNATIONAL, INC.,

Defendants

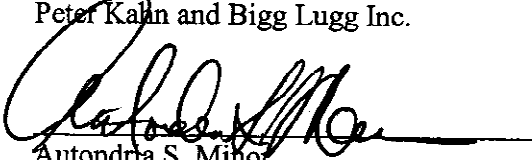
CIVIL ACTION  
NO. 1:05-CV-1152, GLS/DRH

NOTICE OF DISMISSAL

Whereas no plaintiff is an infant or incompetent person for whom a committee has been appointed, the above entitled action, be, and the same hereby is discontinued WITHOUT PREJUDICE, with each party to bear its own expenses and attorney's fees. This Notice of Dismissal may be filed without further notice of the Clerk of the Court.

DATED: February 10, 2006

SCHMEISER, OLSEN & WATTS, LLP  
Attorneys for Plaintiffs,  
Peter Kahn and Bigg Lugg Inc.

  
Autondria S. Minor

Arlen L. Olsen

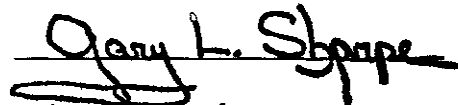
3 Lear Jet Lane, Suite 201

Latham, NY 12110

Telephone: (518) 220-1850

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SO ORDERED:



U.S. District Judge

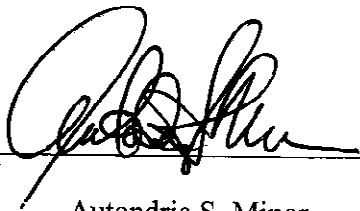
Date: 2/15/06

as to defendant Everik International,  
Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the **NOTICE OF DISMISSAL** was served by U.S. Mail, postage prepaid, on this 10<sup>th</sup> day of February, 2006 on legal counsel for Everik International Inc. as follows:

Cynthia Haffey  
BUTZEL LONG P.C.  
150 West Jefferson, Suite 100  
Detroit, Michigan 48226

  
Autondria S. Minor